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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,654	12/19/2000	Frederic Bompard	PHF 99, 623	7074

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EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,654

Applicant(s)

BOMPARD, FREDERIC

Examiner

James M Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed 8/6/2004 have been fully considered but they are not persuasive. The applicant asserts that the amendment to claim 1 adequately responds to the 112 rejection. The examiner asserts that the amendment is not sufficient to overcome the 112 second paragraph rejection. The applicant is advised to amend the claim to read "the control system" or "the lens system". The applicant further argues that Takemoto fails to teach image processing device filters which are also image filters. The applicant argues that Takemoto recites separate compression components and processing components thus Takemoto is more complex than the present invention and should be allowable over the prior art. The examiner disagrees with the applicants argument. Takemoto et al teaches the use of an image processing device which compresses image signals captured by an image sensor and then uses high-pass and low-pass filters to measure the quantity of high frequency components and low-frequency components from the image to perform a focusing operation. It is viewed by the examiner that the image processing device of Takemoto et al includes the compression filters and the high and low pass filters. Since both the compression filters and high and low pass filters perform image processing. Therefore, said image processing device filters comprise the image filters.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1: Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1 recites the limitation "the system" on Line 6 and Claim 5 recites the limitation "the system" on Line 7. There is insufficient antecedent basis for this limitation in the claim. It is unclear if "the system" refers to "the control system" or "the lens system".

Claim 1 recites the limitation "said image processing device filters" on Line 11 and Claim 5 recites the limitation "said image processing device filters" on Line 9-10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2: Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,065,246 Takemoto et al.

3: As for Claim 1, Takemoto et al teaches on Column 3, Lines 35-44 and Column 4, Lines 4-24 and Column 4, Lines 47-68 the use of a camera comprising: a lens system (1) for focusing the image of a subject on a sensitive plate, an image processing device utilizing filters for performing an image compression transformation (2), a control system acting on the lens system to ensure a sharp image of the subject on the sensitive plate, the system comprising at least a first high-pass image filter and a first low-pass image filter in the form of summers of the results of the compression transformation, Takemoto et al teaches the use of an image processing device which compresses image signals captured by an image sensor and then uses high-pass and low-pass filters to measure the quantity of high frequency components and low-frequency

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components from the image to perform a focusing operation. It is viewed by the examiner that the image processing device of Takemoto et al includes compression filters and high and low pass filters. Since both the compression filters and high and low pass filters perform image processing. Therefore, said image processing device filters comprise the image filters.

4: In regards to Claim 2, Takemoto et al teaches the invention as discussed in Claim 1, Takemoto et al teaches on Column 4, Lines 47-68 the use of outputting image data from an image compression circuit to high-pass and low-pass filters to sum the number of high-frequency components to determine the optimal focus position. Therefore, the high-pass and low-pass filters are adapted to the compression transformation.

5: In regards to Claim 4, Takemoto et al teaches on Column 4, lines 4-24 a plurality of image processing filters among which are high-pass and low-pass filters, characterized in that the output of at least one of the high-pass filters is estimated while taking the value of the output of a low-pass filter into account. Takemoto et al teaches that focus control is performed by outputting the data from the image compression circuit (2) to high-pass and low pass filters. Takemoto et al teaches that by taking into consideration both the high-frequency components and low-frequency components the camera can better constantly and automatically adjust the focus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6: Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,065,246

Takemoto et al.

7: As for Claim 3, Takemoto et al teaches the invention as discussed in Claim 1, Takemoto et al teaches the use of outputting image data from an image compression circuit to high-pass and low-pass filters to sum the number of high-frequency components to determine the optimal focus position. However, Takemoto et al does not teach that the image compression circuit can perform compression based on the JPEG 2000 standard.

Official notice is taken that it was well known in the art at the time the invention was made to use the JPEG 2000 compression standard to perform image compression in digital imaging systems in order to perform superior image compression.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the JPEG 2000 standard in the image compression process of Takemoto et al in order to perform superior image compression.

8: Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,065,246

Takemoto et al in view of USPN 5,666,562 Kaneda et al.

9: As for Claim 5, Takemoto et al teaches on Column 3, Lines 35-44 and Column 4, Lines 4-24 and Column 4, Lines 47-68 the use of a camera comprising: a lens system (1) for focusing the image of a subject on a sensitive plate, an image processing device utilizing filters for performing an image compression transformation (2), a control system acting on the lens system to ensure a sharp image of the subject on the sensitive plate, the system comprising at least a first high-pass image filter and a first low-pass image filter in the form of summers of the results of the compression transformation, Takemoto et al teaches the use of an image processing device

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which compresses image signals captured by an image sensor and then uses high-pass and low-pass filters to measure the quantity of high frequency components and low-frequency components from the image to perform a focusing operation. It is viewed by the examiner that the image processing device of Takemoto et al includes compression filters and high and low pass filters. Since both the compression filters and high and low pass filters perform image processing. Therefore, said image processing device filters comprise the image filters. Takemoto et al teaches a method utilized in an apparatus comprising an image processing circuit formed by high-pass and low-pass image filters, characterized in that it comprises the following steps: estimation of the value of the output of at least one of said high-pass filters and control the focusing system with a view to obtaining a maximum value of high-frequency components, and release for taking the photo if the value exceeds a certain threshold. However, Takemoto et al does not teach the use of normalizing the output of the high pass filter by means of the output of a low-pass filter.

Kaneda et al teaches on Column 10, Lines 19-62 that it is advantageous when designing an automatic focusing system to normalize the output of a high-pass filter in accordance with the low contrast signal since the dynamic range of the high-frequency components greatly fluctuate depending on the object being photographed. Kaneda et al teaches that it is advantageous to normalize the high-frequency signals for the purpose of eliminating adverse effects of the contrast of the objects being photographed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to normalize the output from the high-pass filter of Takemoto et al in

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accordance with the low-frequency or low contrast components as taught by Kaneda et al in order to eliminating adverse effects of the contrast of the objects being photographed.

Allowable Subject Matter

10: Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612

JMH
November 30, 2004


AUNG MOE
PRIMARY EXAMINER